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MINUTES OF THE COUNCIL AND GENERAL
COURT, 1622-1629

From the Originals in the Library of Congress.

(Continued)

A Court at James City the 28th of January 1627.

Being present

Capt ffancis West Esq^r Governo^r &c.

Capt Smyth

Capt M^r Secretary.

There was a controversy in Court betweene Henry Catelyne, Marchant & Robert Eedes, Chirurgion of y^e Hopewell and they did voluntarily agree betweene themselves that Rich: Russell, Master of y^e said shipp, the . . . of the said Chirurgion should pay unto y^e said Henry Catelyne six pounds of lawfull mony of England for the passage of a maide whom the said Chirurgion hath married since her arriual in this Country.

Thomas Ironmonger¹⁵ arrested at the suite of Bridget Bunn, Widow, for 215^l of Tobacco ought to appeare 12th of ffebruary.

John Dauys¹⁶ of James Citty planter arrested at the suite of John Bottom for five barrels of eares of Corne, & to appeare on y^e 4th of ffebruary. Serjt John Harris of Sherly-Hundred arrested at y^e suite of Thomas Ironmonger for 160^l of Tobacco appeare at y^e Quarter Court

¹⁵ Thomas Ironmonger lived at Jordan's Journey, Charles City (now Jordan's Point, Prince George County) 1624-5.

¹⁶ There were several men named John Davis in the colony at the Census of 1624-5. The one here referred to may be John Davis, who came in the *George* in 1617, and who had a plantation at Jordan's Journey, 1624-5.

At this Court M^r Richard Kingsmell was arrested at y^e suite of M^r Richard Stevens for 9^l of Tobacco who acknowledged the debt but refused to take his oath that he had ever paid the same but the debt remained uncrossed in the booke of M^r Stuens his seruant [Mr. Stevens' servant] wherevppon the Court hath ordered that he should make paim^t of y^e same unto y^e said M^r Kingsmell

Quarter Court

At James Cityy the 5th of ffebruary 1627, p^rsent
Capt ff^rancis West Esq^r Gouverno^r &c.

Doctor Pott,	M ^r Claybourne,
Capt Smyth,	Capt Tucker,
Capt Mathews.	M ^r ffarrar.

Whereas Simon Turgis¹⁷ made petition to the Court that hee might have satisfaction given vnto him by Michell Marshatt, Marchant, for two servants w^{ch} the said Simon Turgis his brother in England agreed wth the said Michael Marshatt should be transported hither to Virginia & paid for their two passages twelve pounds of lawfull mony & to bring them over in the shipp the Truelove of London. And for that the said two men did runne away before they were shipped, the w^{ch} thing was alsoe knowne unto y^e brother of the said Simon Turgis before the departure of y^e said shipp out of the river of Thames, & the said Michael Marshatt gave his bill of exchange unto the said Simon Turgis his brother that in regard the said two men were runne away, he should be paid againe the mony that way received for their passages. Now the Court thinketh it to be very reasonable that the said Mr Marshatt, according to his owne proffer at this time, should give good security unto the said Simon Turgis to deliver or cause to be delivered unto him y^e said Simon, the next yeare before the end of January next ensueing, or pres-

¹⁷ Symon Turgis, aged 30, who came in the *Deliverance*, 1618, was one of Robert Bagwells "Muster" at West and Shirley Hundred, 1624-5.

ently upon the arrivall of such shipps wherein they may conveniently be sent over, three men servants, if it shall soe happen that the said mony be not repaid in England by vertue of y^e bill of Exchange aforesaid, All that otherwise the said Michael Marshatt doe not upon his arrivall pay the said mony himselfe & the use due upon y^e same.

Whereas there hath been a Controversy depending in Court betweene Edward Sharples, Marchant & John Moore, Gent. concerning five men w^{ch} were shipped abroad the shipp the Thomas & John of London, the Court hath ordered (after full examination of all the Cause & the passages thereof as by the oathes taken at y^e Court y^e 24th of December 1627 may more plainly appeare) that the said men servants shall be delivered unto the said Edward Sharpeles & to serve him upon such conditions as the said Mr. Moore hath indented or agreed wth them. The mens names are as followeth viz John de ffrizes, Thomas Powell, Ralfe Cannion, (?) John Claus, & Robert Burde.

At this Court Richard Stevens, Marchant, delivered upp the inventory of the estate of Henry Jacob¹⁸, Minister, who deceased about five yeares since, the Com'ission of Administration upon y^e said estate haveing been formerly graunted unto

¹⁸ Henry Jacob (1563-1624). The Dictionary of National Biography contains an account of his life. He was son of John Jacob, yeoman, of Cheriton, Kent, matriculated at St. Mary Hall, Oxford, Nov. 27, 1581, B. A., 1583, M. A., 1586. About 1590 he joined the Brownists and upon the general banishment of that sect retired to Holland in 1593. He returned in 1597, but in the next year on account of his publication of a controversial book was compelled to fly again to Holland. Though a Brownist, Jacob allowed the Church of England to be a true church in need of a thorough reformation. In 1609 he published an address "to The right High and Mightie Prince Iames," entitled "an Humble Supplication for Toleration and Libertie to enjoy the ordinances of Christ Iesus in the administration of his church in lieu of Humane [Human] Constitutions." He ultimately adopted John Robinson's view of Church government. In 1616 he returned to England and formed an independent congregation in Southwark, supposed to be the first congregational church in England. He continued there six years. In order to disseminate his views among the inhabitants of Virginia he removed to that colony, with some of his church, in October, 1622, and formed a settlement named for him, Jacobopolis. He died in May, 1624, according to one account in Virginia, but the D. N. B. states that in the grant of administration to his wife Sara (sister of James Dumarquesque, of Jersey) he is said to have died in the parish of St. Andrew Hubbard, London.

the said Richard Stevens by S^r Francis Wyatt late Governo^r of this Colony. And the said Richard Stevens did testify & protest uppon his oath taken on the holy Evangels that the said Inventory by him now delivered into the Court is a full true & perfecte Inventory of all the goods & chattles of the said Henry Jacob unto the utmost of his knowledge.

This must be put to the next Court day. W. Claybourne

At this Court was produced the will & testament of Sir George Yeardley¹⁹, Knight late governo^r of Virginia, & was prooved to be his will by the oathes of Mr Willia['] Clayborne, secretarye, & M^{rs} Susan Hall, & that they were then present when he read, signed, & sealed the same: & further the said Will^{'m} Clayborne saith that the said Sir George Yeardley desyred him to wryte the Codicill w^{ch} is annexed to the said will, & that he was wittnes to the same: & further sayth that the said S^r George Yeardley was in perfect sense & memory at the makeing of the said will & codicill.

At this Court John Gunnery²⁰ of Elizabeth Citty, Planter, preferred a petition agst John Jackson & Richard Kingsmell, complaining agst them, that whereas they had received from the Petitioner eighty three pounds of Tobacco, due unto one Humphrey Barret, Marriner, by virtue of a letter of Att^{'ny} by him made unto them, about the 15th day of January 1624, & that by their letters into England unto one . . . Clarke . . . they have denied . . . great prejudice in England. Now the said John Jackson & Richard Kingsmell being sent for unto the Court have freely acknowledged that they have received the said Tobacco from the said John Gunnery about the 15th day of January aforesaid, & does at this time fully & absolutely discharge him from the same. And this the Court hath thought good to testify on the behalfe of the said John Gunnery at his earnest request & desire

¹⁹ An abstract of the will of Sir George Yeardley was printed in Waters' *Gleanings*, 30.

²⁰ In 1626 John Gunnery owned 150 acres in Elizabeth City. He also owned land there in 1624. He was, no doubt, the John Gundrie, who, in the census of 1624-5 is given a separate "muster." He was then aged 33 and had come in the *Star* in 1610. His wife, Marie, aged 20, came in the *George*, 1618, and they had a son John, two years old, born in Virginia.

A Court at James Citty the 6th of february, 1627: present

Capt ffrancis West Esq ^r	Gouerno ^r &c.
Docto ^r Pott	Mr Secretary
Capt Smyth	Capt Tucker
Capt Mathewes	M ^r ffarrar

See records fol: 90.

Whereas, at a Court holden the 12th day of October 1626, it was ordered that Docto^r Pott should procure out of England either from S^r ffrancis Wyatt or Mr George Sandys before the last day of October last past a certificate under their hands & seales to testify that either the one or the other of them deliev^rd the kyne w^{ch} were then in the possession of the said Docto^r Pott, unto him, as belonging unto his place of Physitian; now at this Court M^r Docto^r Pott produced two certificates under the hands & seales of the said S^r ffrancis Wyatt & M^r George Sandys, the teno^r & effect of w^{ch} was to certify that the said Mr Sandys at his departure out of this Country left the said kyne wth the said Docto^r Pott knoweing them to be noe more then was his due, ffurther the said S^r ffrancis Wyatt doth testify that y^e said Docto^r Pott tooke the sole charge & possession of y^e kyne, by order & consent of the said M^r Sandys, hee being then Gouerno^r And tooke a note under y^e said Docto^r Pott his hand for makeing good & delivery of five kyne, (there being then onely these remaining alive) upon his death or surrender of his place, as conceiving the sd kyne in equity & reason belonging unto his place. And here uppon the major part of the Court hath thought fitt, according unto y^e said certificates to order that the said three Cowes doe continue in the possession of the said Docto^r Pott, conceaving the same to be due unto him by his place of Physitian, according to a Contract made betweene him & the Company in England. And doe further thinke it appertaineing unto y^e said Docto^r Pott uppon his death or surrender of his place that hee should made good fowre Cowes, being sufficiently given to understand that one of the said five kyne dyed in the som'er time in this Island on plaine ground, before such time as he had received them in that kind.

Richard Littlefere aged 30 yeares & borne in the Bishopricke of Durrham sworne & examined sayth that about 2 of the clocke in the night on the 14th day of January last past hee this examine lyeing in his bed heard one walk about the houses in the ffort at Grindalls Hill, & considering that it was noe time of the night for any one to be abroad, & about halfe an howre after he this examine lifted upp himselfe in his bed & looked out of the window, & saw one Will'm Mills comeing out at an hole in the wall of y^e store some boards being down at one end; then this examine called to his Mate John Dansy who lay wth him, and sayd there is one comeing out of the store, shall we take him, & the sayd John Dansy answered noe, then this deponent sayd if you will not meddle wth him, I will not And this examine further sayth that he then saw the sayd Will'm Mills after he was come out to set downe his cappe uppon y^e ground & after-wards putt upp the boards wth his hands into their places againe. And this examine did not see the sayd Will'm Mills to bringe out any thinge else wth him out of the store, And this is all that examine can say.

John Dansy, aged 25 yeares bourne in the City of Worcester sworne & examined sayth that about two of the clocke in the night time on the 14th of January last past he this examine being a sleepe in his bed at Grindons Hill one Rich: Littlefere being in bed wth him jogged this examine & calling uppon him said looke yonder looke yonder, then this deponent sayd why what is there, & the sayd Littlefere answered there is Mills comeing out of the store, And soe this examine layd himselfe downe againe to sleepe. And this examine further sayth that about three dayes after he this examine goeing unto the house of John Tios & Thomas Hall wth Mr Grindon to serch for stolne goods The sayd Mr Grindon asked the said Thomas Hall for the shoes & other things that his man had brought unto him, & then the sayd Thomas Hall presently went unto his Chest delivered the said Mr Grindon seaven paire of shoes & one shirt & said there was all that he had. And this is all that this examine can say.

Edward Grinden gent sworne & examined sayth that on Sondag night the 14th day of January last past this deponent's wife told him that Richard Littlefere his servant did the last night see Will'm Mills one other of his servants Comeing out of the store, then this examine spoake unto one of his men to goe naile up boards, & the next day this deponent came over unto y^e Towne, & on the Tewsdays after he this examine tooke the said Will'm Mills & examined him concerning y^e same: And then y^e sayd Will'm Mills confessed that he had stollen out of the store twice some currants & once some suger & six paire of shoes & one shirte; then this examine presently went downe unto the house of John Tios & Thomas Hall, & asked the sayd Thomas Hall where were the shoes & others things that his man Will'm Mills had brought thither, & the sayd Tho: Hall answered there was halfe a dozen paire of shoes & sayd that y^e said Mills told him that he had been at Chapoaks-Creeke, And this Examine asked if there was not a shirte & the sayd Thomas Hall answered yes, & soe presently brought out a course shirte, And soe this examine went home againe: Afterwards that Examine haveing a Warrant to serch for such goods as he had had stolne from him, & goeing againe to the house of the said John Tios & Thomas Hall to serch he this examine went upp in to the loft & found a bagg of fowle cloathes, & in the said Bagg there was two other small Baggs, the one haveing about six pounds of currants, & the other about 3 pounds of suger, & then Jane the wife of the sayd John Tios told this examine that they had bought the suger of a ffrenchman aboard the James, & the currants of M^r Edmund Doggatt, presentl yafter this the said John Tios came home, & this deponent asked him, what currents & suger those were that he had in the house, & the sayd Tios answered, if there were any there, they were not his for he knew of none: Then this examine went upp againe & brought downe the said currants & suger & gave them unto Edward Temple to keepe. And afterwards this deponent made serch in the chests of the sayd John Tios, but could find none of his owne goods therein.

(To be continued)